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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

TRUDY EBERLE BUCK
2417 Arlington Avenue
Roslyn, PA 19001

And

DAVID BUCK
2417 Arlington Avenue
Roslyn, PA 19001

And

OLA JANE EBERLE
1933 Fleming Avenue
Willow Grove, PA 19090

Vs.

EDWARD GESSNER
230 South Maya Palm Drive
Boca Raton, FL 33432

CIVIL ACTION:

NO.:

10 5683

FILED

OCT 27 2010

By:  Dep. Clerk

COMPLAINT

1. The Plaintiff, Trudy Eberle Buck, is an adult individual residing at 2417 Arlington Avenue, Roslyn, Pennsylvania, 19001, and she is a citizen of the Commonwealth of Pennsylvania.

2. The Plaintiff, David Buck, is an adult individual residing at 2417 Arlington Avenue, Roslyn, Pennsylvania, 19001, and he is a citizen of the Commonwealth of Pennsylvania.

3. The Plaintiff, Ola Jane Eberle, is an adult individual residing at 1933 Fleming Avenue, Willow Grove, Pennsylvania, 19090, and she is a citizen of the Commonwealth of Pennsylvania.

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4. The Defendant, Edward Gessner, is an adult individual residing at 230 South Maya Palm Drive, Boca Raton, Florida, 33432, and he is a citizen of the State of Florida.

5. Venue is based upon Diversity of Citizenship where Plaintiffs reside in a different State than all Defendants, and where the event giving rise to the instant claims occurred. See 28 U.S.C. Section 1391 (a).

6. Federal jurisdiction is based upon Diversity of Citizenship where the matter in controversy exceeds the sum of \$150,000.00 exclusive of interest and costs pursuant to 28 U.S.C. Section 1332 (a) (1). A trial by Jury is requested.

COUNT I
PLAINTIFF, TRUDY EBERLE BUCK vs. DEFENDANT
NEGLIGENT PERSONAL INJURY

7. The Plaintiff, Trudy Eberle Buck, incorporates by reference all pertinent portions of the preceding paragraphs as fully as if set forth in their entirety.

8. On or about August 7, 2010, at or about Noon, the Plaintiff, Trudy Eberle Buck, was operating and in control of a motorcycle traveling South on Limekiln Pike, between the intersecting streets of Chestnut Lane and Horsham Road, Horsham Township, Montgomery County, Pennsylvania, when suddenly and without warning the Defendant drove his motor vehicle into a collision with the Plaintiff's vehicle, causing the Plaintiff the injuries, damages and losses as set forth herein.

9. This accident resulted from the negligence and recklessness of the Defendant herein and was due in no manner whatsoever to any act or failure to act on the part of the Plaintiff.

10. The negligence and carelessness of the Defendant consisted of the following:

- a. failure to properly operate and control a motor vehicle;

- b. driving at an excessive rate of speed under the circumstances;
- c. violations of the Statutes of the Commonwealth of Pennsylvania

governing the operation of motor vehicles on the streets and highways;

- d. negligence and recklessness at law;
- e. failure to keep a proper lookout; and
- f. failure to yield right of way.
- g. failure to comply with direction of travel signage and warnings.
- h. failure to comply with ingress and egress signage and warnings.

11. As a result of this accident, Plaintiff, Trudy Eberle Buck, has suffered injuries which are serious and permanent including injuries to the muscles, tissues, ligaments, blood vessels, bones, discs, organs, cartilage, bruises, contusions, abrasions of various portions of Plaintiff's body and severe damage to Plaintiff's nerves and nervous system and various other ills and injuries.

12. As a further result of this accident, Plaintiff, Trudy Eberle Buck, has been and will be obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses for the injuries Plaintiff has suffered, and Plaintiff will be obliged to continue to expend such sums or incur such expenditures for an indefinite time in the future.

13. As a further result of this accident, Plaintiff, Trudy Eberle Buck, has suffered an injury which is in full or part a cosmetic disfigurement and which is permanent, irreparable or severe.

14. As a further result of this accident, Plaintiff, Trudy Eberle Buck, has and will suffer a severe loss of Plaintiff's earnings and impairment of Plaintiff's earning capacity and power.

15. As a further result of this accident aforementioned, Plaintiff, Trudy Eberle Buck, has suffered severe physical pain, mental anguish and humiliation; and will continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff Trudy Eberle Buck, demands judgment against the Defendant for a sum in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars plus costs and interest.

COUNT II
PLAINTIFF DAVID BUCK vs. DEFENDANT
LOSS OF CONSORTIUM

16. The Plaintiff, David Buck, incorporates by reference all pertinent portions of the preceding paragraphs as fully as if set forth in their entirety.

17. At the time of this accident and at all times relevant hereto the Plaintiff, David Buck, is the spouse of the Plaintiff, Trudy Eberle Buck.

18. As a result of the aforesaid accident resulting in injuries to Plaintiff, Trudy Eberle Buck, the Plaintiff, David Buck, has been deprived of the assistance and society of spouse, Trudy Eberle Buck, all of which has been to the great financial loss and damage of the Plaintiff, David Buck.

WHEREORE, Plaintiff, David Buck, demands judgment against the Defendant for a sum in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, plus costs and interests.

COUNT III
PLAINTIFF DAVID BUCK vs. DEFENDANT
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

19. The Plaintiff, David Buck, incorporates by reference all pertinent portions of the preceding paragraphs as fully as if set forth in their entirety.

20. At the time that Defendant's vehicle collided with the vehicle containing Plaintiff, Trudy Eberle Buck, the Plaintiff, David Buck, was in a vehicle close behind Trudy Eberle Buck's vehicle.

21. At all times relevant hereto the Plaintiff, David Buck, had a close family relationship with his wife, the Plaintiff, Trudy Eberle Buck.

22. The Plaintiff, David Buck, visually and audibly witnessed the collision between the two aforementioned vehicles, and visually and audibly witnessed his wife (the Plaintiff, Trudy Eberle Buck) experiencing the traumatic physical impact of the accident upon her body; as well as its immediate aftermath as she lay broken and bleeding upon the ground.

23. As a result of the Plaintiff, David Buck's, sensory and contemporaneous observance of his wife, Trudy Eberle Buck, being physically impacted and injured in the accident caused by Defendant's negligence he suffered a shock to his nerves and nervous system.

24. That shock to Plaintiff, David Buck's, nerves and nervous system has resulted in him suffering physical pain, mental anguish and emotional distress, and he will continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff, David Buck, demands judgment against the Defendant for a sum in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, plus costs and interests.

COUNT IV
PLAINTIFF OLA JANE EBERLE vs. DEFENDANT
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

25. The Plaintiff, Ola Jane Eberle, incorporates by reference all pertinent portions of the preceding paragraphs as fully as if set forth in their entirety.

26. At the time that Defendant's vehicle collided with the vehicle containing Plaintiff, Trudy Eberle Buck, the Plaintiff, Ola Jane Eberle, was in a vehicle close behind Trudy Eberle Buck's vehicle.

27. The Plaintiff, Ola Jane Eberle, is the mother of Plaintiff, Trudy Eberle Buck, and at all times relevant hereto the Plaintiff, Ola Jane Eberle, and the Plaintiff, Trudy Eberle Buck, have had a mother and daughter, close family relationship.

28. The Plaintiff, Ola Jane Eberle, visually and audibly witnessed the collision between the two aforementioned vehicles, and visually and audibly witnessed her daughter (the Plaintiff, Trudy Eberle Buck) experiencing the traumatic physical impact of the accident upon her body; as well as its immediate aftermath as she lay broken and bleeding upon the ground.

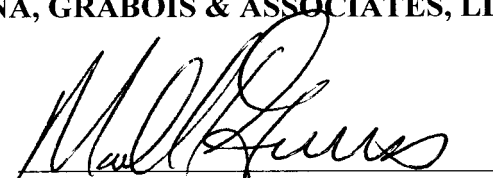
29. As a result of the Plaintiff, Ola Jane Eberle's, sensory and contemporaneous observance of her daughter, Trudy Eberle Buck, being physically impacted and injured in the accident caused by Defendant's negligence she suffered a shock to her nerves and nervous system.

30. That shock to Plaintiff, Ola Jane Eberle's, nerves and nervous system has resulted in her suffering physical pain, mental anguish and emotional distress, and she will continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff, Ola Jane Eberle, demands judgment against the Defendant for a sum in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars, plus costs and interests.

PENNA, GRABOIS & ASSOCIATES, LLC

BY:


MARSHALL L. GRABOIS, ESQ.
Attorney for Plaintiffs